

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CHARLES MARLEY,)
v. Plaintiff,) Cause No.: 1:14-cv-235
TRACTOR SUPPLY COMPANY,)
Defendant.)

DEFENDANT'S NOTICE OF REMOVAL

EXHIBIT 3

Adams County Court Documents

13 DEC 17 AM 8:28
SAC-RECEIVED
U.S. DISTRICT COURT
IN THE SOUTHERN DISTRICT OF INDIANA

STATE OF INDIANA) IN THE ADAMS COUNTY SUPERIOR COURT
) SS:
COUNTY OF ADAMS) CAUSE NO: 0/001/13/2-C7 0008
CHARLES MARLEY,)
)
Plaintiff,)
)
vs.)
)
TRACTOR SUPPLY COMPANY,)
)
Defendant.)
_____)

COMPLAINT

COMES now the Plaintiff, Charles Marley, by counsel, and for his Complaint for Damages against the Defendant, Tractor Supply Company, alleges and asserts that:

1. Plaintiff, Charles Marley, ("Plaintiff") is an individual and is now, and at all times mentioned in this complaint was, a resident of Red Key, Jay County, Indiana.
2. Defendant, Tractor Supply Company is now, and at all times mentioned in this complaint was, a corporation doing business within and under the laws of the State of Indiana.
3. Plaintiff was an employee of Tractor Supply Company for a period of time up to and including September 18, 2012.
4. Specifically Plaintiff was employed as a manager of the Tractor Supply Company retail store located at 829 South 13th Street, Decatur, Indiana 46733.
5. During the relevant period of time, Tractor Supply Company employed an individual by the name of Jenny Brooks.

6. At all relevant periods of time, Jenny Brooks was an agent and/or employee of Tractor Supply Company.

7. During Plaintiff's employment, the Defendant by and through its agents and/or employees including but not limited Jenny Brooks accused Plaintiff of sexual harassment and/or retaliation of its employee Jenny Brooks.

8. This accusation of sexual harassment was communicated by the Defendant by and through its agents and/or employees to employees of the Defendant in addition to individuals outside the employ of Defendant.

9. This accusation of sexual harassment and retaliation was communicated by the Defendant by and through its agents and/or employees to potential employers of the Plaintiff.

10. The entire statement that the Plaintiff was guilty of sexual harassment and retaliation is false as it pertains to Plaintiff.

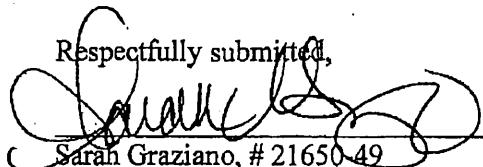
11. The entire statements that the Plaintiff was guilty of sexual harassment and retaliation is defamatory and libelous on its face. It clearly exposes Plaintiff to hatred, contempt, ridicule and humiliation.

12. As a proximate result of the above-described accusations and communication of sexual harassment and retaliation, Plaintiff has suffered loss to his reputation, his good name, his work ethic, experienced shame, mortification, and injury to his emotional, physical, and financial wellbeing.

13. The above-described accusations and communications by the Defendant was done with malice, hatred and ill will toward Plaintiff thus entitling the Plaintiff to punitive damages.

WHEREFORE, the Plaintiff, Charles Marley, prays that the Court grant judgment against the Defendant, Tractor Supply Company, in an amount commensurate with his damages

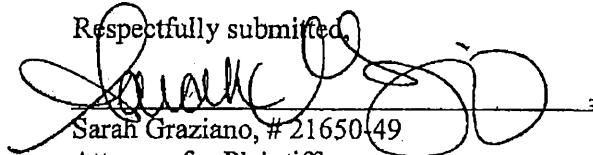
including but not limited to all compensatory damages, interest, punitive damages, for the costs of this action, and for all other relief just and proper in the premises.

Respectfully submitted,

Sarah Graziano, # 21650-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
350 E. New York Street, Suite 300
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
sgraziano@hensleylegal.com

REQUEST FOR TRIAL BY JURY

COMES now the Plaintiff, Charles Marley, by counsel and files herein his request for trial by jury for the above action.

Respectfully submitted,

Sarah Graziano, # 21650-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
350 E. New York Street, Suite 300
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
sgraziano@hensleylegal.com

STATE OF INDIANA)
) SS:
COUNTY OF ADAMS)

CHARLES MARLEY,)
)
Plaintiff,)
)
vs.)
)
TRACTOR SUPPLY COMPANY,)
)
Defendant.)
)

IN THE ADAMS COUNTY SUPERIOR COURT

CAUSE NO: 01D01-1312-CT-0008

ALIAS SUMMONS

GAYLA REMHART
CLERK

2014 FEB 26 PM 12:41

CLERK OF
ADAMS COUNTY COURTS

TO DEFENDANT: Tractor Supply Company
c/o Registered Agent
CT Corporation System
150 West Market Street, Suite 800
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: Feb 26 2014

Gayla M. Remhart
CLERK, Adams County Superior Court

(The following manner of service of summons is hereby designated)

Registered or certified mail.

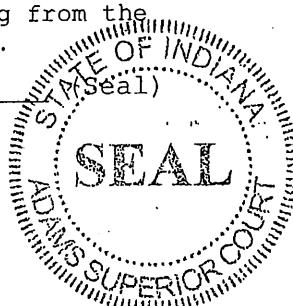
Service at place of employment, to wit:

Service on individual - (Personal or copy) at above address.

Service on agent. (Specify)

Other Service. (Specify)

Sarah Graziano ,#21650-49
Attorney for Plaintiff
350 East New York Street , Suite 300
Indianapolis, IN. 46202
(317)472-3333



CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of the Complaint to the Defendant, _____ by _____ mail, requesting a return receipt, at the address furnished by the Plaintiff.

CLERK, Adams County Superior Court

Dated: _____

By: _____

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of _____ said Defendant on the _____ day of _____, 20____.

CLERK, Adams County Superior Court

By: _____
Deputy

STATE OF INDIANA) ADAMS COUNTY SUPERIOR COURT
)
 COUNTY OF ADAMS) CAUSE NO.: 01D01-1312-CT-0008
)
 CHARLES MARLEY,)
)
 Plaintiff,)
)
 v.)
)
 TRACTOR SUPPLY COMPANY,)
)
 Defendant.)

ADAMS COUNTY SUPERIOR COURT
 2014 MAR 24 PM 1:26
 GAYLA REINHART
 CLERK

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating: Responding: Intervening:

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): Defendant Tractor Supply Company
2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

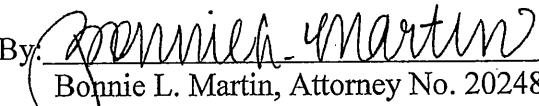
Name: Bonnie L. Martin Atty: Number: 20248-18
 OGLETREE DEAKINS NASH SMOAK & STEWART, P.C.
 111 Monument Circle, Suite 4600 Telephone: 317.916.1300
 Indianapolis, Indiana 46204 Facsimile: 317.916.9076
bonnie.martin@odnss.com

3. There are other party members: Yes No (*If yes, list on continuation page.*)
4. If first initiating party filing this case, the clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3):
 Not Applicable
5. I will accept service by FAX at the above noted number: Yes No
6. This case involves support issues: Yes No (*If yes, supply social security numbers for all family members on continuation page.*)
7. There are related cases: Yes No
8. This form has been served on all other parties. Certificate of Service is attached: Yes No

9. Any additional information required by local rule: Not Applicable

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

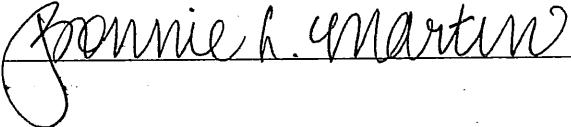
By: 
Bonnie L. Martin, Attorney No. 20248-18
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: (317) 916-1300
Facsimile: (317) 916-9076

Attorneys for Defendant Tractor Supply Company

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing *Appearance by Attorney in Civil Case* has been served by first-class United States mail, postage prepaid, this 24th day of March, 2014, upon:

Sarah Graziano, Esq.
HENSLEY LEGAL GROUP, PC
350 East New York Street
Suite 300
Indianapolis, IN 46204



Bonnie L. Martin, Esq.
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
111 Monument Circle
Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076

STATE OF INDIANA) ADAMS COUNTY SUPERIOR COURT
) SS:
COUNTY OF ADAMS) CAUSE NO.: 01D01-1312-CT-0008

CHARLES MARLEY,)
)
Plaintiff,)
)
v.)
)
TRACTOR SUPPLY COMPANY,)
)
Defendant.)

2014 MAR 24 PM 11:25

**DEFENDANT'S UNOPPOSED FIRST MOTION FOR EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING**

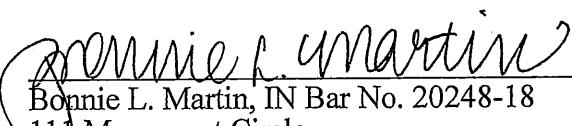
Defendant Tractor Supply Company, by counsel, for its Unopposed First Motion for Extension of Time to File Responsive Pleading states as follows:

1. On December 17, 2013, Plaintiff filed his Complaint.
 2. Defendant was served with a copy of the Complaint by certified mail on February 28, 2014.
 3. Defendant's responsive pleading is currently due on or before March 24, 2014, which time has not yet expired.
 4. To gather the information needed to respond to each of Plaintiff's allegations, Defendant seeks an extension of time of twenty-eight (28) days, to and including April 21, 2014, in which to file its responsive pleading.
 5. On March 19, 2014, Plaintiff's counsel advised counsel for Defendant that Plaintiff has no objection to the requested extension.
 6. Defendant is not seeking the extension for purposes of undue delay or harassment, but to gather needed information.

WHEREFORE, Defendant Tractor Supply Company, by counsel, respectfully requests that the Court extend the time for Defendant to file its responsive pleading to and including April 21, 2014.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.



Bonnie L. Martin, IN Bar No. 20248-18
111 Monument Circle
Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076
bonnie.martin@ogletreedeakins.com

Attorneys for Defendant
Tractor Supply Company

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2014, a copy of the foregoing *Defendant's Unopposed First Motion For Extension Of Time To File Responsive Pleading* was served by United States first-class mail, postage prepaid, addressed to:

Sarah Graziano, Esq.
HENSLEY LEGAL GROUP, PC
350 East New York Street
Suite 300
Indianapolis, IN 46204

Bonnie L. Martin

Bonnie L. Martin, Esq.
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
111 Monument Circle
Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076

17449370.1

STATE OF INDIANA) ADAMS COUNTY SUPERIOR COURT
) SS:
COUNTY OF ADAMS) CAUSE NO.: 01D01-1312-CT-0008

CHARLES MARLEY,)
)
Plaintiff,)
)
v.)
)
TRACTOR SUPPLY COMPANY,)
)
Defendant.)

**ORDER GRANTING DEFENDANT'S UNOPPOSED FIRST MOTION FOR EXTENSION
OF TIME TO FILE RESPONSIVE PLEADING**

Defendant Tractor Supply Company, by counsel, having filed its Unopposed First Motion for Extension of Time to File Responsive Pleading, and the Court being duly advised of the same, hereby GRANTS said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Tractor Supply Company, by counsel, shall have to and including April 21, 2014, to file its responsive pleading to Plaintiff's Complaint.

SO ORDERED this _____ day of _____, 2014.

JUDGE, Adams Superior Court

Distribution to:

Sarah Graziano, Esq.
HENSLEY LEGAL GROUP, PC
350 East New York Street
Suite 300
Indianapolis, IN 46204

Bonnie L. Martin, Esq.
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
111 Monument Circle
Suite 4600
Indianapolis, IN 46204

**ORDER GRANTING DEFENDANT'S UNOPPOSED FIRST MOTION FOR EXTENSION
OF TIME TO FILE RESPONSIVE PLEADING**

Defendant Tractor Supply Company, by counsel, having filed its Unopposed First Motion for Extension of Time to File Responsive Pleading, and the Court being duly advised of the same, hereby GRANTS said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Tractor Supply Company, by counsel, shall have to and including April 21, 2014, to file its responsive pleading to Plaintiff's Complaint. ✓

SO ORDERED this 28 day of

March 2014
Patrick R Miller

JUDGE, Adams Superior Court

CLERK OF
ADAMS COUNTY COURTS

Distribution to:

Sarah Graziano, Esq.
HENSLEY LEGAL GROUP, PC
350 East New York Street
Suite 300
Indianapolis, IN 46204

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Marketed
4/2/14
JAS

Fri Mar 28 2014 19:00:02

Page 1

CIVIL NOTICE
ADAMS SUPERIOR COURT
122 SOUTH THIRD STREET
P.O BOX 569
DECATUR IN 46733
CHARLES MARLEY V TRACTOR SUPPLY COMPANY
01D01-1312-CT-0008

148
016078.000 ~~148~~

TO: BONNIE L MARTIN
111 MONUMENT CIRCLE SUITE 460
INDIANAPOLIS IN 46204

ATTORNEYS

21650-49 SARAH GRAZIANO

PARTIES

PLAINTIFF
CHARLES MARLEY

20248-18 BONNIE MARTIN

DEFENDANT
TRACTOR SUPPLY COMPANY
TRACTOR SUPPLY COMPANY

03/03/2014

CM#8181/Tractor Supply returned, signed by?, signature illegible. cjh

03/24/2014

Defendant's Unopposed First Motion For Extension Of Time To File Response
Pleading filed, Appearance filed by Bonnie L Martin, Atty for the
defendant by certified mail on March 24, 2014 which is the filing date
pursuant to Trial Rule 5(F). pjh

03/28/2014

Order Granting Defendant's Unopposed First Motion for Extension of Time to
File Responsive Pleading entered. Copy to be issued to counsel of record.
RJO js

STATE OF INDIANA) IN THE ADAMS COUNTY SUPERIOR
) COURT
) COUNTY OF ADAMS) CAUSE NO. 01D01-1312-CT-0008

CHARLES MARLEY,)
)
 Plaintiff,)
)
 vs.)
)
 TRACTOR SUPPLY)
 COMPANY,)
)
 Defendant.)

2014 APR 25 PM 12:56
CIVIL PLEADING
ADAMS COUNTY COURTS
CLERK'S OFFICE
INDIANA

DEFENDANT TRACTOR SUPPLY COMPANY'S
ANSWER TO PLAINTIFF'S COMPLAINT

Defendant Tractor Supply Company ("Tractor Supply"), by counsel, hereby submits its answer to the Complaint filed by the Plaintiff Charles Marley ("Plaintiff"), as follows:

1. Plaintiff, Charles Marley, ("Plaintiff") is an individual and is now, and at all times mentioned in this complaint was, a resident of Red Key, Jay County, Indiana.

ANSWER: Admitted.

2. Defendant, Tractor Supply Company is now, and at all times mentioned in this complaint was, a corporation doing business within and under the laws of the State of Indiana.

ANSWER: Admitted.

3. Plaintiff was an employee of Tractor Supply Company for a period of time up to and including September 18, 2012.

ANSWER: Admitted.

4. Specifically Plaintiff was employed as a manager of the Tractor Supply Company retail store located at 829 South 13th Street, Decatur, Indiana 46733.

ANSWER: Admitted.

5. During the relevant period of time, Tractor Supply Company employed an individual by the name of Jenny Brooks.

ANSWER: Admitted.

6. At all relevant periods of time, Jenny Brooks was an agent and/or employee of Tractor Supply Company.

ANSWER: Defendant admits that Jenny Brooks was an employee of Defendant. Defendant denies the remaining allegations contained in paragraph 6 of Plaintiff's Complaint.

7. During Plaintiff's employment, the Defendant by and through its agents and/or employees including but not limited Jenny Brooks accused Plaintiff of sexual harassment and/or retaliation of its employee Jenny Brooks.

ANSWER: Denied.

8. This accusation of sexual harassment was communicated by the Defendant by and through its agents and/or employees to employees of the Defendant in addition to individuals outside the employ of Defendant.

ANSWER: Denied.

9. This accusation of sexual harassment and retaliation was communicated by the Defendant by and through its agents and/or employees to potential employers of the Plaintiff.

ANSWER: Denied.

10. The entire statement that the Plaintiff was guilty of sexual harassment and retaliation is false as it pertains to Plaintiff.

ANSWER: Denied.

11. The entire statements that the Plaintiff was guilty of sexual harassment and retaliation is defamatory and libelous on its face. It clearly exposes Plaintiff to hatred, contempt, ridicule and humiliation.

ANSWER: Denied.

12. As a proximate result of the above-described accusations and communication of sexual harassment and retaliation, Plaintiff has suffered loss to his reputation, his good name, his work ethic, experienced shame, mortification, and injury to his emotional, physical, and financial wellbeing.

ANSWER: Denied.

13. The above-described accusations and communications by the Defendant was done with malice, hatred and ill will toward Plaintiff thus entitling the Plaintiff to punitive damages.

ANSWER: Denied.

AFFIRMATIVE DEFENSES

1. To the extent that Defendant has not responded to any allegation in the Complaint, Defendant specifically denies the same at this time.
2. Plaintiff's Complaint fails to state a claim upon which relief may be granted.
3. Plaintiff's Complaint may be barred by the doctrine of unclean hands.
4. Plaintiff's Complaint may be barred due to waiver.
5. Plaintiff's Complaint may be barred due to Plaintiff's failure to meet conditions precedent.
6. Plaintiff's Complaint may be barred due to laches.
7. Plaintiff's Complaint may be barred due to the applicable statute of limitations.
8. Plaintiff's Complaint may be barred due to estoppel.

9. Plaintiff's Complaint may be barred to the extent he has failed to mitigate his damages.

10. Plaintiff has failed to allege recoverable damages pursuant to one or more of his claims.

11. Plaintiff's Complaint may be barred because Defendant did not act with malice, hatred or ill will toward Plaintiff.

12. Plaintiff's Complaint may be barred by the defense of truth.

13. Plaintiff's Complaint may be barred because Defendants' alleged communication was privileged.

14. Defendant denies all allegations of Plaintiff's Complaint that are not expressly admitted.

15. Defendant reserves the right to raise and plead additional defenses and affirmative defenses which become known to it through its ongoing investigation and through discovery.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant Tractor Supply Company requests that the Complaint be dismissed with prejudice and that Tractor Supply be awarded its costs, attorneys' fees and such other relief as may be just and proper.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By:

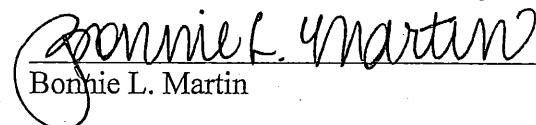
Bonnie L. Martin
Bonnie L. Martin, Atty. No.: 20248-18
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076
bonnie.martin@ogletreedeakins.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Defendant Tractor Supply Company's Answer to Plaintiff's Complaint* was mailed by United States first-class Mail, postage prepaid, this 23rd day of April, 2014, addressed to:

Sarah Graziano
HENSLEY LEGAL GROUP, PC
350 E. New York Street, Suite 300
Indianapolis, IN 46204
sgraziano@hensleylegal.com


Bonnie L. Martin

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076
bonnie.martin@ogletreedeakins.com

17408162.1

PLAINTIFF'S PRAEICE FOR JURY TRIAL

Comes now the Plaintiff, Charles, by counsel, and praecipes the Court for a Jury Trial in the above captioned matter. Counsel estimates the Jury Trial will last three (3) days.

Respectfully submitted,

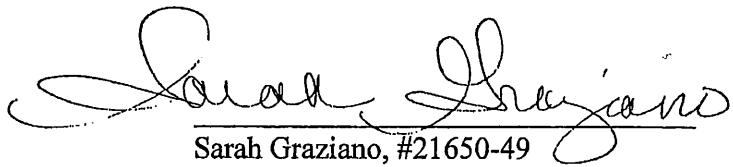
Sarah Graziano, # 21650-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
350 E. New York Street, Suite 300
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
sgraziano@hensleylegal.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been delivered to the following, by either electronic submission or U.S. First Class Mail Postage Pre-Paid this 31st day of July 2014

Bonnie Martin
Ogletree Deakins Nash Smoak & Stewart, PC
111 Monument Circle Suite 4600
Indianapolis, IN 46204


Sarah Graziano, #21650-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
350 E. New York Street, Suite 300
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(317) 472-3333 Phone
(317) 472-3340 Facsimile
sgraziano@hensleylegal.com